

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shunsuke ISHII et al.

Examiner : Janet EPPS FORD

Serial No : 10/533,078

Group Art Unit: 1633

I.A. Filed : October 29, 2003

For : PRODUCTION OF KNOCKDOWN ANIMAL VIA
INTRODUCTION OF DOUBLE-STRANDED EXPRESSION
VECTOR

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Restriction Requirement mailed July 2, 2007, which sets a one-month period for response, to end August 2, 2007. Applicants submit that no fee should be due for consideration of this Response; however, if the Office deems any additional fee due for consideration of this Response, authorization is expressly given to charge such fee to Deposit Account No. 19-0089.

Restriction Requirement

In the Restriction Requirement, the Examiner alleges that two distinct inventions and three distinct species of generic inventions are contained in this application.

The distinct inventions include:

- I. claims 1-12 and claim 25, drawn to a ds-RNA expression vector and an animal cell expressing the vector
- II. II. claims 13-24, drawn to a target gene knock down animal, and method of making

The three distinct species of invention include:

I. SEQ ID NO:2

II. SEQ ID NO:5

III. SEQ ID NO:6

Election

Applicants elect Group I, i.e., claims 1-12 and 25, and the species of SEQ ID NO:2, *with traverse*. At least claims 1-12 and 25 are readable on the elected species.

Traverse

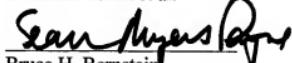
Notwithstanding the election of Group I and SEQ ID NO:2 in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction.

The PCT Rules state that Unity of Invention is present if the claims share a special technical feature, which is that feature of the claims which defines over the art. Thus, in order to support a restriction requirement under Unity of Invention rules, the Patent Office must make some comparison between the claims and the art. The Office Action fails to make such comparison. Rather, the Action simply states that 37 C.F.R. § 1.475 provides that if the claims are directed to distinct categories of invention, "unity of invention *might* not be present." Applicants respectfully submit that this possibility is insufficient to support the restriction requirement.

In view of the foregoing, it is respectfully requested that the Examiner reconsider the requirement for restriction, and at the very least, consider the claims of elected Group I with the claims of Group II.

Applicant hereby authorizes the charging of any additional required fees necessary for consideration of the documents cited herein to Deposit Account No. 19-0089.

Respectfully submitted,
Shunsuke ISHII et al.


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